



# PLANNING COMMISSION SYNOPSIS

Thursday, September 3, 2015

## CALL TO ORDER

Chairperson Nordstrom called the Planning Commission meeting to order at 6:00 p.m. in the Council Chambers of the Bloomington Civic Plaza.

**COMMISSIONERS PRESENT:** Nordstrom, Willette, Batterson, Fischer, Goodrum

**COMMISSIONERS ABSENT:** Spiess, Bennett

**STAFF PRESENT:** Markegard, Schmidt, Heyman, O'Day

Chairperson Nordstrom led the attendees in the reciting of *The Pledge of Allegiance*.

## ITEM 1 6:03 p.m.

<b>CASE:</b>	10000F-15
<b>APPLICANT:</b>	City of Bloomington
<b>LOCATION:</b>	City Wide
<b>REQUEST:</b>	City Code Amendment – Modifying numerous Residential and Institutional Standards

## SPEAKING FROM THE PUBLIC:

Douglas Cummelin and Shari Cummelin                      2016 Dixon Drive, Bloomington, MN 55431

## PUBLIC HEARING DISCUSSION:

Schmidt summarized the Phase II Residential/Institutional Code Amendments and highlighted the following changes:

- Zoning District RM – 100 – intended to be in high-intensity Transit Oriented Development areas
  - Parking prohibited between the building and street
  - Allow flexibility and reduced setbacks on secondary street fronts
  - Alternative means to create enclosures with walls, fences and landscaping

- Minimum floor area

Unit Type	Existing (square feet)	Proposed (square feet)
Efficiency unit	400	350
One bedroom	650	500
Two bedrooms	800	500
Three or more bedrooms	950	500

- Multi-family dwelling standards – senior citizen and accessibility housing standards are regulated by MN State Building Code
  - Lockable storage space outside unit, 175 cubic feet minimum; if dedicated bicycle storage room is provided, the minimum is reduced to 96

cubic feet; accessibility/senior citizen minimum is 96 cubic feet

- Odor suppression systems – may be required for restaurants or mixed use areas
- Congregate living facility standards
  - Have to submit management plan
  - On-site services to residents
- Residential care facility standards
  - 1,320 foot distance buffer from existing care facility (matches State Law)
  - Security system and management plan
  - Limitations on who the facility can accommodate
- Schools and college standards
  - Clarifies that schools may allow use by outside organizations subject to necessary permits
  - Open and recreational space, required by state statute
  - Future phased construction

Heyman presented the following amendments:

- Daycare standards
  - Hours (5:00am – 9:00pm) in residential zone
  - Pick up and drop off must not interfere with traffic flow
  - Facilities (13+ persons) must be adjacent to arterial or collector streets
  - Play structures prohibited in yard abutting a street
- Parking and storage of vehicles in residential districts
  - Maximum vehicle height must be consistent with garage door height, 8 feet
  - Prohibited by use, design and type – buses, flatbed trucks, skid steers
  - Clarified allowable locations for trailer storage
- Manufactured home parks
  - Must be conditional use in “a zoning district that allows the construction or placement of a building used or intended to be used by two or more families” according to State Law
  - Allowable in various residential and commercial districts
  - Minimum lot size proposed at 5 acres
  - Maximum density in R-1 proposed at 10 units per acre
- Home business
  - Moving from Chapter 19 to Chapter 21
  - Changing terminology:
    - Home enterprise – home business
    - Home occupations – type 1 home business
    - Home businesses – type 2 home business
    - Type 1 home business clarifications:
      - Fitness instruction fewer than 2 students at one time
      - Animal grooming, fewer than 4 animals at one time
    - Type 2 home business clarifications:
      - Require a CUP
      - No longer allowed multi-family townhomes in ADUs

- Fitness schools
- Cottage food operations (<\$18,000 profit in a year)
- Animal kenneling prohibited

Willette asked if the mobile home parks will be cleaned up.

Heyman stated the existing mobile home parks are grand-fathered in and therefore changes to them would not be triggered by this City Code amendment.

Fischer clarified if the day care requirements on location include in-home care or centers.

Heyman said the any day care that serves 13 children or more is required to be located on a collector or arterial street.

Goodrum asked if the 13 children requirement was included in the Code.

Heyman stated it is and noted that the 13 threshold flows from State Law.

Fischer asked if the parking and storage requirements include recreational vehicles.

Heyman stated the parking and storage of vehicles is strictly for other vehicle types. Recreational vehicle standards are referenced in a different code section.

Goodrum questioned if the buses that can be transferred into recreational vehicles are included in this code amendment.

Heyman said it depends on how the bus is used and that the Environmental Health Department will enforce that issue as needed.

Fischer asked for clarification on the RM-100 changes, specifically about the parking regulations between the building and street.

Schmidt stated that parking would be prohibited between the building and streets and gave Townplace Suites as an example.

Douglas and Shari Cummelin said they received a notice from the City that their trailer is not in compliance. The trailer has been parked next to the garage for four years without complaint. It is a multi-purpose trailer used to haul art pieces to art shows and also to haul large items such as furniture. The trailer is 8 feet in height and the existing code sets a height limit for trailers of 6 feet. They are requesting a change in code, as part of these code amendments, that would make their business trailer legal or classify it as a recreational vehicle.

Markegard said this code amendment is clarifying and moving the existing commercial vehicle standards to Chapter 21. It is not changing the standards that apply to the business trailer. There is a difference in how the City Code addresses recreational vehicles versus non-recreational vehicles. Both code sections go back to the 1990s when the City received a number of complaints and therefore, came up with standards to regulate both recreational and non-recreational vehicles. They were separate Code amendments and essentially, recreational vehicle standards are less strict than standards for non-recreational and commercial vehicles. Staff is not proposing to changes that would impact this particular situation. Markegard stated these Code sections predated current staff and staff is not sure why recreational vehicles have looser standards, although it may be because they were more common in a residential setting and more accepted by neighbors.

Nordstrom said that intent of use is important particularly because it is based on what a resident needs. Commercial vehicles and trailers are usually used for equipment needs whereas a recreational trailer or vehicle is used for enjoyment.

Markegard said that current Codes set size and location limits on trailers depending on how the trailer is used. The Code has different standards for a commercial trailer than for and recreational vehicle trailer.

Nordstrom stated that enclosed trailers protect it from theft. There are a lot of discrepancies between different types of trailers.

Cummelin stated they have tried to comply but it is inconvenient to store the trailer offsite.

Nordstrom said that staff should be aware of the issue and look into it further.

Batterson asked what the issue is with this specific trailer.

Markegard said in this case, because the trailer is not considered a recreational vehicle trailer, the height limit is 6 feet, which is a violation. Also, storing the trailer on the grass is a violation.

Goodrum asked for the commercial trailer definition.

Goodrum asked the applicant if they have a commercial trailer license.

Doug and Shari Cummelin said they have a standard trailer license. The trailer does not have any advertisement.

Heyman clarified that the code in the Parking and Storage of vehicles doesn't differentiate between commercial and non-commercial vehicles and trailers but does differentiate between recreational vehicle trailers and other types of trailers. It addresses vehicles and trailers based on length, height and intended use. The definition is, "a motor vehicle that by virtue of their use, design, type or characteristic are not customary and incidental to the use and occupancy of residential properties."

Goodrum asked if the commercial vehicle were hauling snowmobiles, would it become a recreational vehicle.

Markegard said that it would be considered a recreational vehicle in that case and would then be able to take advantage of the looser standards.

Fischer asked if there is an appeal process.

Markegard said there is both a variance process and an opportunity to apply to amend the code. It would be difficult to make the variance findings. If it is deemed appropriate to treat all trailers identically, amending the code would be the cleanest way to do it.

Nordstrom stated that if the residents go through the variance process, the application could possibly come back at a later date to the Planning Commission.

Markegard said that Planning Commission could also make a recommendation to the City Council to change the code. A code amendment to remove the differing treatment between recreational and non-recreational trailers could go in two different directions. One option would be to tighten recreational

vehicle trailer standards and treat them identically to non-recreational vehicle trailers. The alternative is to loosen the standards on non-recreational trailers. Either option would have implications citywide.

Batterson said he is concerned about loosening the standards on commercial vehicles. In terms of changing the code, it would be easy for commercial vehicles and trailers to end up on residential sites.

Markegard said the item will be heard at City Council and they will make the final decision but would benefit from the Commission's recommendation.

Doug and Shari Cummelin will have the opportunity to make comments at that meeting.

The public hearing was closed via a motion.

Willette said the residents have brought up a good point and other residents could potentially have the same issue.

Fischer stated it is hard to parcel out every potential conflict. He understands the concerns but there is some confusion on the differences between commercial and recreational vehicles.

Nordstrom asked what the difference is between 6 feet and 8 feet. Trailer manufacturers make some type of distinction but the intent is not clear.

Goodrum commented that the residents could write a letter to the City to indicate they will be hauling recreational vehicles so that it is a recreational vehicle trailer and therefore the standard rises to 8 feet instead.

Fischer said that an enclosed trailer looks neater.

Item moves to Council on September 28, 2015.

#### **ACTIONS OF THE COMMISSION:**

**M/Willette, S/Fischer:** To close the public hearing. Motion carried 5-0.

**M/Batterson, S/Willette:** In Case 10000F-15, I move to recommend approval of the ordinance as attached to the staff report to amend Chapters 1, 2, 12, 14, 19 and 21 of the City Code. Motion carried 5-0.

**Prepared By:** EO **Reviewed By:** GM, JS, IH

**Approved By Planning Commission:** October 22, 2015